

## AMENDMENT AND RESPONSE

PAGE 16

Serial No.: 09/990,023

Filing Date: November 21, 2001

Attorney Docket No. 100.349US01

Title: PROTECTION SWITCHING MECHANISM

---

REMARKS

Applicant has reviewed the Office Action mailed on August 23, 2005 as well as the art cited. Claims 1-70 are pending in this application.

Rejections Under 35 U.S.C. § 102

Claims 1 and 2 were rejected under 35 USC § 102(b) as being anticipated by Jones et al., (U.S. Patent No. 4,633,246). To establish a section 102 rejection, a single reference must teach every aspect of the claim either explicitly or inherently. MPEP 706(02).

Claim 1

Claim 1 is as follows:

1. A protection switching mechanism comprising:
  - a multiplexer having an input coupled to receive an input signal and a plurality of outputs to output a plurality of output signals;
  - a transmission path for each output of the multiplexer, each transmission path coupled to receive an associated output signal from the multiplexer, the transmission paths further including one or more redundant transmission paths, wherein signals directed to a faulty transmission path are redirected to an associated redundant transmission path; and
  - a remote circuit to selectively switch a redundant transmission path for a faulty transmission path at a subscriber.

The Applicant respectfully traverses the rejection of independent claim 1 under section 102. Claim 1 includes aspects not taught by the Jones et al. reference. For example, claim 1 includes the aspects of "a multiplexer having an input coupled to receive an input signal and a plurality of outputs to output a plurality of output signals ... a transmission path for each output of the multiplexer, each transmission path coupled to receive an associated output signal

## AMENDMENT AND RESPONSE

PAGE 17

Serial No.: 09/990,023

Filing Date: November 21, 2001

Attorney Docket No. 100.349US01

Title: PROTECTION SWITCHING MECHANISM

---

from the multiplexer," emphasis added. The Jones et al. reference relates to a TDM ring network. Please see column 4, lines 12 through 36. In the Jones et al. reference, channels of data are multiplexed into a single data stream and then transmitted to another node in the ring. Please see column 4, lines 42 through 57 of the Jones et al. reference. Since the Jones et al. reference does not teach "a multiplexer having an input coupled to receive an input signal and a plurality of outputs to output a plurality of output signals ... a transmission path for each output of the multiplexer, each transmission path coupled to receive an associated output signal from the multiplexer," as is disclosed and claimed in claim 1 of the present application, a rejection of claim 1 under section 102 is improper. Accordingly, the Applicant respectfully requests the withdrawal of the rejection of claim 1 under section 102.

Moreover, since claim 2 depends from and further defines patentable distinct claim 1, the Applicant further respectfully requests the withdrawal of the rejection of claim 2. Since the Applicant believes, that claim 2 is allowable for the above reason further repose to all rejections have not been put forth in this response. The Applicant however, retains the right to address said rejections if a further response is required.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 11-70 were allowed over prior art.

Applicant further acknowledges that claims 3-10 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

## AMENDMENT AND RESPONSE

PAGE 18

Serial No.: 09/990,023

Filing Date: November 21, 2001

Attorney Docket No. 100.349US01

Title: PROTECTION SWITCHING MECHANISM

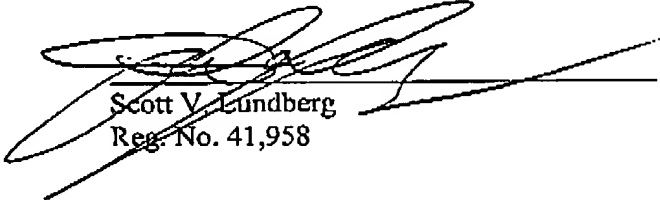
---

CONCLUSION

Applicant respectfully submits that claims 1-70 are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 455-1690.

Respectfully submitted,

Date: 11-21-05  
\_\_\_\_\_  
Scott V. Lundberg  
Reg. No. 41,958

Attorneys for Applicant  
Fogg and Associates, LLC  
P.O. Box 581339  
Minneapolis, MN 55458-1339  
T - (612) 332-4720  
F - (612) 332-4731